

1 Q What about the line above that, "Do you have any
2 relatives employed by the Synod"?

3 A I don't recall having a concern about that.

4 MR. ZAUNER: Your Honor, at this time I would like
5 to offer into evidence Mass Media Bureau Exhibit No. 25.

6 JUDGE STEINBERG: Any objection?

7 MS. SCHMELTZER: No objection.

8 JUDGE STEINBERG: Exhibit 25 is received.

9 (Whereupon, the document marked for
10 identification as Mass Media Bureau
11 Exhibit No. 25 was received into
12 evidence.)

13 BY MR. ZAUNER:

14 Q Going back to your March 9, 1989, memo to Paul
15 Devantier, did you ever discuss this memo with Mr. Devantier
16 after you sent it to him?

17 A At this time I was reporting to Reverend Devantier
18 in the absence of an individual who was in the Director of
19 Broadcast Services position that I previously referred to and
20 we had a number of discussions about a lot of matters and I
21 assume that this is part of them.

22 Q Did he ever ask you specifically what your concerns
23 were that the -- at the -- that were evidenced in the material
24 that we just went over?

25 A I don't recall that. I recall being encouraged to

1 do what's necessary.

2 Q Did he ever ask you what you meant by your state-
3 ment in your memo that, "As described below there are plenty
4 of areas for improvement in our compliance..."?

5 A I, I don't remember.

6 Q Let me call your attention to page 7 of your state-
7 ment.

8 JUDGE STEINBERG: You mean paragraph 7?

9 BY MR. ZAUNER:

10 Q No. Page 7 of -- I'm sorry. Did I say -- page 7
11 of your memo of March 9, 1989. That's Attachment 5 to Church
12 Exhibit 7.

13 A Yes.

14 Q The bottom paragraph there, there is a sentence, "I
15 have discovered we are operating in violation of our own
16 policy as currently on file." Is this the same violation of
17 policy that you've been discussing with us or did you mean
18 something else in this sentence?

19 A The same.

20 Q The same? Okay.

21 JUDGE STEINBERG: Do you want -- when you talked
22 about "our own policy" were you talking about that pages 3 and
23 4 that we've been talking about of Attachment 5 to Ms.
24 Cranberg's?

25 WITNESS: Yes.

1 MR. ZAUNER: Did Mr. Devantier ever ask you about
2 how this station was operating in violation of its policy?

3 WITNESS: As I recall, we discussed the -- the
4 discussions were held not only with Reverend Devantier, but
5 prior to that when the Director of Broadcast Ministries was in
6 that position, and I think I referred to discussions with him
7 in this memo as well, that we did discuss who should, who
8 should be the one appointed to replace Reverend Roger Abatie
9 for the administration and implementation of the program and
10 whether or not, as I recall anyway, we should -- "we" meaning
11 in this case the two stations -- should continue with one EEO
12 Program or proceed with having two separate EEO Programs, one
13 for each station, KFUD-AM and KFUD-FM.

14 (Off the record.)

15 (On the record.)

16 BY MR. ZAUNER:

17 Q You, you indicate that you had discovered that the
18 station was operating in violation of its own policy, and then
19 you say "as currently on file." What did you mean by "as
20 currently on file"?

21 A This document that we have been referring to, that
22 was the current Equal Employment Opportunity Program under
23 which both stations were operating at the time.

24 Q But, but am I correct that the, that the only
25 disagreement with you -- that you had with the Equal

1 | Employment Opportunity Program under which the stations were
2 | operating was the, the Reverend --
3 | JUDGE STEINBERG: Abatie.
4 | WITNESS: Abatie.
5 | BY MR. ZAUNER:
6 | Q Abatie's --
7 | A Abatie.
8 | Q -- name. Was that the only problem --
9 | A No.
10 | Q -- that you had with that?
11 | A No.
12 | Q Well, what were your other objections to the
13 | program?
14 | A I don't want to characterize these as objections.
15 | JUDGE STEINBERG: Why don't we use your words.
16 | WITNESS: Yeah.
17 | JUDGE STEINBERG: Violations.
18 | WITNESS: Well, I wouldn't --
19 | JUDGE STEINBERG: That's your word in your memo.
20 | WITNESS: Oh, "...in violation of our --
21 | JUDGE STEINBERG: Yes.
22 | WITNESS: -- own policy..."
23 | JUDGE STEINBERG: Right. What violation of your
24 | own policy -- what, what were the violation -- that's
25 | singular --

1 WITNESS: Right.

2 JUDGE STEINBERG: Would it be one violation?

3 WITNESS: Well --

4 JUDGE STEINBERG: Or more?

5 WITNESS: My feeling was, on the application form
6 that we just discussed, the phrase that was on the application
7 form appeared to violate our own policy stated in the first
8 paragraph of I under "General Policy," that it is the policy
9 of KFUD and KFUD-FM to provide Equal Employment Opportunity to
10 all qualified individuals without regard to their race, their
11 race, color, religion, et cetera. This Application for
12 Employment, as I recall, was an Application for Employment
13 that was used throughout The Lutheran Church/Missouri Synod,
14 which of course included at the time the two radio stations.

15 MR. ZAUNER: You say that "I have reason to believe
16 this applies to the AM operation as well as the FM operation."
17 What did you mean by that sentence? That's, that's at the
18 bottom of --

19 JUDGE STEINBERG: That's back in your --

20 MR. ZAUNER: Page 7 --

21 JUDGE STEINBERG: Page 7.

22 MR. ZAUNER: -- of your memo of March 9, 1989.

23 JUDGE STEINBERG: Do you see that, the last sen-
24 tence of that page?

25 WITNESS: It was -- it remained unresolved at the

1 time of this memo, which was a progress memo, as to what sort
2 of application form the AM station should be utilizing as
3 well. And although that was not an area where I held any
4 position, it came up due to the fact that I had had the con-
5 versations with Marcia Cranberg regarding these matters. So,
6 clearly that the two, in my mind, the two stations jointly
7 owned and moving toward a period of license renewal, I had
8 some concern that perhaps the AM also was violating this
9 policy, because this policy said there would not be discrimi-
10 nation on the basis of religion.

11 BY MR. ZAUNER:

12 Q Would you identify Jerry Householder (phonetic
13 sp.)?

14 A He was an employee on KFUD-AM. I do not recall his
15 title at the time. He was -- one thing I can say, he was not
16 the General Manager. That position on the AM station was
17 vacant at that time. I don't recall his title.

18 Q On page 8 of your memo of March 9, 1989, you indi-
19 cate that you had taken steps in good faith to ensure full
20 compliance in FM, and then you say, "I shared with Jerry
21 Householder those steps taken on FM." Why did you share
22 these, these actions that you had taken with Jerry
23 Householder?

24 A He appeared to me at the time to be the person who
25 was assuming certain responsibilities in light -- on the AM

1 station in light of the fact that the position of Director of
2 Broadcast Ministries and the position of AM General Manager
3 were vacant at that time.

4 Q Why did you do that? Why did you share these
5 things with Jerry Householder?

6 A I thought it was the appropriate thing to do.

7 Q I would like to call your attention now to Church
8 Exhibit 4, Attachment 11.

9 MS. SCHMELTZER: I don't believe he has it in front
10 of him.

11 JUDGE STEINBERG: Church Exhibit 4 is the testimony
12 of Dennis Stortz, S T O R T Z. Is that the wrong one?

13 MR. ZAUNER: Yes, that's correct.

14 JUDGE STEINBERG: Let, let me, let me withdraw
15 that. I just noticed the, the document we're going to examine
16 Mr. Lauher on is also Attachment 6 to the Testimony of
17 Reverend Paul Devantier which he -- I believe has before him.
18 But in either case --

19 (Pause.)

20 MS. SCHMELTZER: Attachment 6. It's the March 15,
21 1989 --

22 MR. ZAUNER: Exhibit 7 is the testimony of Reverend
23 Paul Devantier and it's Attachment 6 that I want to ask the
24 witness questions about.

25 MS. SCHMELTZER: So, that's March 15, 1989, memo?

1 MR. ZAUNER: That is correct.

2 WITNESS: Okay.

3 JUDGE STEINBERG: The witness has it in front of
4 him.

5 MR. ZAUNER: Just one second.

6 JUDGE STEINBERG: You're looking for Attachment 13
7 to No. 4?

8 MR. ZAUNER: I'm looking at Attachment 11 of No. 4.

9 JUDGE STEINBERG: Okay. I'm just asking. Oh,
10 okay.

11 WITNESS: Sir, may I add something to the previous
12 question?

13 MR. ZAUNER: Of course.

14 WITNESS: You asked about the Equal Employment
15 Opportunity Program and what I was concerned about. There was
16 a phrase that was referred to in the Equal Employment
17 Opportunity Program that was contained on the Application
18 Form. And in changing over at some point the Application Form
19 that phrase had been eliminated and I -- which was, "The dis-
20 crimination because of race, color, religion, national origin,
21 or sex prohibited and that they may notify the appropriate
22 local, state or Federal agency if they believe they have been
23 the victims of discrimination." That was a clear part of the
24 policy but it had been in some manner inadvertently dropped
25 from this application.

1 JUDGE STEINBERG: Okay. Just to make the record
2 clear, you were reading Church Exhibit 8, Attachment 5, page
3 3, III, that first indented section. Is that correct?

4 WITNESS: Correct.

5 BY MR. ZAUNER:

6 Q Just to make sure I understand your, your testi-
7 mony, you're saying that the Application for Employment, which
8 is Mass Media Bureau Exhibit 25, had been preceded by another
9 Application for Employment that had the language that you just
10 read on it, is that correct? And then somehow inadvertently
11 in, in preparing this Application for Employment, which is
12 Mass Media Bureau Exhibit 25, that language was dropped out?

13 A That appeared to be the case. Therefore, I was
14 concerned that we needed to put it back in its place.

15 Q Let me call your attention to the Church Exhibit 7,
16 Attachment 6, which is your memo of March 15, 1989, to Paul
17 Devantier, regarding EEO compliance. Did you prepare this
18 memo with the attachment and send it to Paul Devantier on or
19 around March 15, 1989?

20 A Yes.

21 Q What caused you to send this memo to Mr. Devantier
22 at this time?

23 A It was simply a part of the, the ongoing process
24 to, to make sure that we were operating as we said we were
25 operating.

1 Q You had just sent them a memo on March 9, 1989.

2 A Right.

3 Q Was there anything that precipitated the sending of
4 a second memo on the same subject, or, or at least covering
5 some of the same subject matter, on March 15, 1989?

6 A Nothing specific that I recall precipitated it. It
7 was just part of the ongoing process.

8 Q May I ask you to look at the second page of your
9 memo of March 15, 1989? And I notice there that there are a
10 number of check marks. Can you tell us did you place those
11 check marks there on that exhibit?

12 A As I recall, those were -- I placed those.

13 Q What was the check mark -- excuse me. What was the
14 check mark supposed to indicate?

15 A I think that's addressed on the, on the preceding
16 page, page one, that the FM station had implemented or com-
17 pleted those that were in essence checked. To a certainty,
18 this again was a progress report. We were doing an ongoing
19 study to make sure that we were in full compliance and that
20 this is where we were at that point.

21 Q How did the check marks show where the stations
22 were in their ongoing compliance?

23 A Well, the check marks did not show the stations.
24 The check marks, as indicated on the covering communication,
25 reflect KFUO-FM, not for both stations.

1 Q But, again, what -- could you tell me once again
2 what was the check mark supposed to indicate?

3 A That check mark was supposed to be indicating that,
4 as best as we could tell, we were, we were doing what was
5 indicated there. Were, had been, and would be doing.

6 Q So, for example, on the first page there's a check
7 mark next to "Take EEOC matters seriously." You, you checked
8 that was okay because you were in fact taking the EEOC matters
9 seriously?

10 A That is correct.

11 Q And you did not check the third one down, "Estab-
12 lish an EEO Officer to implement your station's EEO Program
13 and to keep current on developments in the law. Is, is that
14 -- well, what -- why didn't you check that?

15 A Well, as, as discussed earlier, the responsibility
16 for the Equal Employment Opportunity Program, that the program
17 indicated that Reverend Roger Abatie was responsible for that
18 program, and therefore he was in essence the EEO Officer for
19 both radio stations, and there had not as yet been a decision,
20 which was not mine to make, as to who would replace Reverend
21 Abatie.

22 Q Number five on the list has the letters "NA" next
23 to it. Could you tell us what the letters "NA" stand for?

24 A Not applicable.

25 Q Let me call your attention to page 3 of the

1 checklist.

2 JUDGE STEINBERG: Okay. What's the little number
3 up top?

4 MR. ZAUNER: Page 3.

5 BY MR. ZAUNER:

6 Q You did not check the third from the bottom, which
7 was "Communicate your station's EEO Policy and Program and
8 your employment needs to sources of qualified applicants..."
9 Why didn't you check that?

10 A I don't recall why I didn't check that.

11 Q Did that have anything to do with the fact that the
12 Application Form did not include the EEO statement that you
13 read before on it?

14 A It's possible. I was --

15 JUDGE STEINBERG: Or is it, or is it that you
16 didn't check it because you didn't -- the station hadn't done
17 it?

18 WITNESS: No. It would not be that.

19 JUDGE STEINBERG: Pardon?

20 WITNESS: It would not be that.

21 BY MR. ZAUNER:

22 Q I note also that you did not check, "Maintain a
23 list of the..." the next one down, "Maintain a list of the
24 recruitment sources you would use in seeking qualified female
25 and minority applicants." Is that because the station did not

1 have such a list?

2 A No. It was due, as I recall, to the nature of the
3 question. It was, it was looking toward the future in that
4 particular case and I think that, as we know, there's always
5 need to reevaluate current sources and see if they're being
6 productive or not and look to other sources. So, this is a
7 future-oriented question. We did not as yet address that.

8 Q Well, did you in -- did the station in fact main-
9 tain a list of recruitment sources that it would use in seek-
10 ing qualified female and minority applicants?

11 A I believe it did.

12 Q Can you tell us who was on that list?

13 A I -- no.

14 Q Do you remember having -- actually having seen such
15 a list?

16 A No.

17 JUDGE STEINBERG: Could I back up a little bit?
18 "To communicate your station's EEO policy and program and your
19 employment needs to sources of qualified applicants..." you
20 said that -- if I'm characterizing your testimony wrong don't
21 be afraid to tell me I'm wrong. Mr. Honig will tell you I'm
22 often wrong. You said you, you'd done that or the station had
23 done that, to communicate that?

24 Just thought I'd wake you up a little bit, Mr.
25 Honig. I'm teasing.

1 MR. HONIG: I know.

2 WITNESS: I believe that we had conveyed our em-
3 ployment needs as I indicated previously, yes.

4 JUDGE STEINBERG: To whom?

5 WITNESS: Well, specifically to the Broadcast
6 Center and through our advertisements that indicated an EEO
7 organization.

8 JUDGE STEINBERG: Isn't it a fact that you didn't
9 do this until sometime -- that you didn't communicate your
10 station's policy and program employment, employment needs
11 until sometime later, till July '89?

12 WITNESS: I can't answer that. I did send out
13 letters at the time that you're referring to. What occurred
14 prior to my arriving there, I just don't know.

15 JUDGE STEINBERG: Okay. But to the best of your
16 knowledge while you were there, you, you nor anyone else that
17 you know of communicated the station's EEO policy as described
18 in this paragraph?

19 WITNESS: No, I don't think I'm saying that.

20 JUDGE STEINBERG: Okay. Well, to your knowledge,
21 did anybody do that? Did, did you do that prior to July of
22 '89?

23 WITNESS: I did not do that prior to July '89.

24 JUDGE STEINBERG: And did anybody else you know do
25 that?

1 WITNESS: I -- that I do not know.

2 JUDGE STEINBERG: Okay.

3 BY MR. ZAUNER:

4 Q Let me call your attention to page 4. Looking at
5 the first item, "Maintain written records of all referrals
6 made by your recruitment sources," did the station keep such a
7 record?

8 A I believe the station did. I believe The Lutheran
9 Church/Missouri Synod did would be the, I think, the appropri-
10 ate response.

11 Q And let me call your attention to the next one
12 that's not checked on that page, "Conduct a continuing review
13 of your job structure and employment practices and adopt
14 positive recruitment, training, job design, and other measures
15 to ensure genuine quality of opportunity to participate fully
16 in all organizational units, occupations, and levels of re-
17 sponsibility throughout the station." Did the station ever
18 conduct such a review to your knowledge?

19 A I don't recall any formal review at the time that I
20 was there prior to moving into this period of time.

21 Q The, the next two questions down relate to EEO
22 Officer and to -- well, let me withdraw that. The next ques-
23 tion down relates to an EEO Officer. I think you've already
24 testified you didn't have one at that point in time, is that
25 right?

1 A That's correct.

2 Q Had anything been done at the station to make sure
3 the department heads and supervisors were familiar with EEO
4 obligations?

5 A As I recall, there were, there were statements on
6 file and posted, as best I recall.

7 Q There were, there were postings of the fact that
8 the station was an Equal Employment Opportunity employer at
9 the station?

10 A I think there was.

11 Q On the, on the bulletin boards?

12 A I think so.

13 Q When you were preparing this memo and making your
14 checks as you went down the list, did you look to determine
15 what the station's employment profile looked like?

16 A Employment profile would be similar to this Employ-
17 ment Report?

18 JUDGE STEINBERG: Okay. You -- the witness is
19 pointing to Church Exhibit 8, Attachment 5, page 5, when he
20 said similar to this chart.

21 BY MR. ZAUNER:

22 Q Well, let me ask you, what did you understand
23 "employment profile" to mean as reflected on page 4 of that --

24 A We had the --

25 Q -- checklist?

1 A -- the information was maintained in a central
2 location and I do not recall if that was located at the, at
3 the building where the stations were physically located or at
4 what was referred to as the, the main building of The Lutheran
5 Church/Missouri Synod, and I do recall reviewing that informa-
6 tion indicating who had been hired and when and --

7 Q Your testimony then is that you reviewed informa-
8 tion on a form something like this in looking to see what the
9 employment profile was?

10 A There was --

11 Q It wasn't necessarily this specific one?

12 A I really don't remember.

13 Q Was it a more recent year?

14 A I, I believe so. I believe so.

15 (Pause.)

16 JUDGE STEINBERG: Let's go off the record.

17 (Off the record.)

18 (On the record.)

19 BY MR. ZAUNER:

20 Q Can you recollect approximately what year's profile
21 you looked at? Was it the most recent one? Would it have
22 been the one for the year ending 1988, for example?

23 A Well, I don't remember.

24 Q Do you think you would be able to identify it if I
25 show you?

1 A You can try.

2 (Pause.)

3 MR. ZAUNER: Let me call your attention to the
4 testimony -- I'm sorry, to, to Exhibit 8 --

5 (Pause.)

6 BY MR. ZAUNER:

7 Q Call your attention to Exhibit 8, Attachment 5.
8 I'm looking at page 15 thereof. This is the Annual Employment
9 Report for 1988 filed on May 31, 1988, with the Federal
10 Communications Commission on behalf of KFUD-AM and KFUD-FM.
11 Can you take a look at that document, pages 15 and 16, specif-
12 ically page 16. Does that refresh your recollection as to
13 what you may have looked at?

14 A I don't believe this is what I looked at, but I, I
15 just -- I don't remember.

16 Q It was something in this format though, is that
17 correct?

18 A There was some sort of tracking, yes.

19 Q Did you notice at the time that the station had no
20 male black, Hispanic employees? Was that --

21 MS. SCHMELTZER: Objection. I, I think you should
22 clarify the record. This reflects a two-week pay period
23 ending January 31, 1988. It does not reflect the whole year
24 of 1988.

25 MR. ZAUNER: Let, let me ask the question

1 differently. I'd like --

2 JUDGE STEINBERG: You withdraw the question?

3 MR. ZAUNER: I withdraw the question. I will ask
4 it differently.

5 BY MR. ZAUNER:

6 Q When you looked at the station's profile, what did
7 you find, if you remember now?

8 A I think in the, in the few hires that had been made
9 at the time I was there that we were -- that we had hired a
10 minority and we had hired women, and I didn't, during the time
11 I was there, I did not need to take a look at a, a chart or a
12 form to indicate what we were doing. I think the FM station
13 had, had been doing what it should do.

14 Q Well, if that's true why didn't you check the, the
15 item?

16 A Because, as you recall, the EEO Program was a joint
17 operating program for both stations and this form reflects
18 both stations. It does not separate the two stations. I have
19 no -- I had no voice in hiring or any sort of decisions with
20 the AM.

21 Q I thought it was your testimony that this checklist
22 was only for the FM station?

23 JUDGE STEINBERG: No, he said "this form," and you
24 were referring to not the checklist? Am I correct?

25 WITNESS: Yeah, referring to the form. The form

1 was a --

2 JUDGE STEINBERG: Yeah.

3 WITNESS: -- joint form.

4 JUDGE STEINBERG: He's talking about --

5 MR. ZAUNER: That the form is a joint form.

6 JUDGE STEINBERG: Right.

7 MR. ZAUNER: But the question was if your employ-
8 ment profile was deficient, and he is saying now that the FM
9 station's profile was not deficient, if I understand his
10 answer. And if that is the case, why didn't he check that box
11 as this checklist was just for the FM station.

12 WITNESS: Well, first, I'm not saying it was defi-
13 cient or not deficient. I'm simply indicating -- I'm not
14 saying it was deficient or not deficient. I'm simply indicat-
15 ing to you what had taken place in terms of the hiring. The
16 reason I would not check it was that this was still something
17 that, that, that was tied into the AM. I had no choice in
18 that particular matter because of the, of the joint EEO
19 Program. And we had not received a ruling -- ruling, that's
20 not really the right word. We had not -- there had not, not
21 been a decision as to whether to separate the, the two pro-
22 grams or to maintain them together at this point. I think
23 that answers your question.

24 MR. ZAUNER: If that's your answer, that's your
25 answer. The, the last item is, on that page, is, on page 4,

1 is "Document or EEO efforts." And it says, "See chapter 9."
2 What, what was chapter 9?

3 WITNESS: I have no idea.

4 MR. ZAUNER: Okay. Your Honor, this might be a
5 good time to break.

6 MS. SCHMELTZER: I'd like to finish this witness if
7 it's possible for you to do that, because we have another
8 witness that we have to get on and off today.

9 JUDGE STEINBERG: Do you have much more? Let's
10 take five minutes.

11 (Whereupon, off the record at 12:25 p.m. Back on the
12 record at 12:32 p.m.)

13 BY MR. ZAUNER:

14 Q Mr. Lauher, let, let me call your attention to
15 Exhibit 7, Attachment 6, page 7, and that's your checklist and
16 it's -- no. You didn't check, "Where appropriate, post notices
17 of vacancies in the station, afford current employees the
18 opportunity to apply for promotion." Was that not a policy of
19 the station at the time?

20 A I believe that was a policy of the station at that
21 time. Again, this was simply a progress report that were
22 certain things that we could be certain of and certain things
23 we were still making sure that we were performing. It was not
24 meant to be: this we've done, this we haven't done.

25 Q Let me ask you, as a practical matter -- and this

1 is a relatively small station, is that not correct, in terms
2 of number of people working there, below 30 anyway?

3 MS. SCHMELTZER: Are you talking about just the FM
4 or the AM/FM combined?

5 BY MR. ZAUNER:

6 Q Combined. The AM/FM combination.

7 A I don't recall the figures. I, I think it was more
8 than 30 combined, but I don't recall.

9 Q My question is when there was a promotion opportu-
10 nity at the station, was it generally pretty well-known just
11 by word of mouth at the station?

12 A Well, at the time I was there all of the positions
13 -- management positions remained the same.

14 Q Let me call your attention to the next item, "Con-
15 tact minority organizations, organizations for women, media or
16 educational institutions, and other potential sources of
17 female and minority applicants for referrals." You, you
18 didn't check that obviously. Why didn't you check that item?

19 A This was a progress report, an informational re-
20 port, and those that had not been checked we hadn't gotten to
21 yet.

22 Q What do you mean you hadn't gotten to? It means
23 you weren't doing it or that, that --

24 A No. It just means that -- it does not mean we were
25 not doing it. It just simply meant that in making sure that

1 we were doing what we said we were doing and that we were
2 double-checking all of these procedures as had been suggested
3 that we do to make sure that we were in compliance. And out
4 of this rather large number at the time that I wrote this
5 memo, the ones that were checked or marked not applicable we
6 had satisfied ourselves that we were doing things properly,
7 and the other ones we were still just double-checking.

8 Q The next item that's not checked, or it doesn't
9 have the initials "NA" next to it, is "Interview all appli-
10 cants who appear to be qualified." Did the station have a
11 policy to interview all applicants who applied?

12 A The FM station interviewed all qualified applicants
13 that applied.

14 Q If an applicant applied for a position and was
15 obviously not qualified, did you still interview them or did
16 you -- if that happened -- let me, let me withdraw that.

17 Did it ever happen that you had an applicant that
18 was obviously not qualified for a position?

19 A Did it ever happen that we --

20 Q While you were General Manager of the station.

21 A There was an applicant not qualified? I would
22 think so. I mean, I can't recall a particular one, but I
23 would think that in the normal course of any business unquali-
24 fied applicants respond.

25 Q And what, what would be the station's procedure

1 with regard to such an applicant?

2 A I really don't recall what, what was down there,
3 how many there might have been or, or anything else. We had a
4 very --

5 Q You don't recall -- this -- you don't recall any
6 specific policy then with regard to what should be done in
7 that circumstance?

8 A No.

9 Q Did the station have a policy of informing appli-
10 cants in -- who had applied for a job but not received a job
11 the reason why he or she was not selected?

12 A I don't really recall.

13 Q You don't recall such a policy?

14 A There, there were so few applicants to begin with.

15 Q I want to go back for a second. You testified, I
16 believe, that you had discussions with Mr. Devantier about the
17 memo that you sent him on March 9, 1989, and that he told you
18 you should go ahead and take corrective measures. Is that
19 correct?

20 A Yes.

21 Q Did you in fact take corrective --

22 A I said he should do what needs to be done.

23 Q You should do what needs to be done, and, and I'm
24 sort of interpreting that as corrective measures. Did you in
25 fact do what needed to be done?

1 A I did a number of things during that time that I
2 felt needed to be done, yes.

3 Q Can you tell us what it is that you did that you
4 felt needed to be done?

5 A Well, I, I felt that the Application Form should
6 reflect what the policy so stated, especially since the FM
7 station was following that policy.

8 Q Could you hold on one, one moment, please? Did you
9 in fact revise the Application for Employment --

10 A Yes.

11 Q Let me call your attention to Church Exhibit 4,
12 which is the Testimony of Dennis Stortz, Attachment 13.

13 (Pause.)

14 MR. ZAUNER: And I'm going to ask you to look at
15 page 8.

16 JUDGE STEINBERG: Let me just -- a preliminary
17 question. Exhibit 4, Attachment 13, are those the materials
18 that you referred to in paragraph 6 of your testimony --

19 WITNESS: I'm sorry.

20 JUDGE STEINBERG: -- where you state --

21 WITNESS: I'm sorry, Your Honor. Can you say that
22 again?

23 JUDGE STEINBERG: Okay. Look at paragraph 6 of
24 your own Testimony.

25 WITNESS: Of my Testimony?